



The Bench Press



Vol. 2, No. 3
May 2004

Welcome to The Bench Press

This newsletter is published to provide information about current events, initiatives, programs and projects of interest to employees of the Arizona's Judicial Branch.

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- Superior Court pilots **e-filing** for probate cases
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Chief Justice Visits Tucson Justice and City Courts

Bond Proposal Initiates Court Visit

Question 3 of the bond proposal provides \$76,000,000 to build a joint courthouse. The Pima County Justice Court would have 165,000 square feet and a minimum of 16 courtrooms in this joint complex while the City of Tucson Municipal Court would have 172,000 square feet and a minimum of 22 courtrooms. [\[More\]](#)

Superior Court Pilots E-filing for Probate Cases

Pilot Project Begins

Pima County Superior Court and the Clerk of the Superior Court launched a pilot project on May 12 designed to reduce the amount of paperwork filed in probate cases. [\[More\]](#)

New Museum Taking Shape in Downtown Phoenix

Historic Maricopa County Old Courthouse Restoration

The working courthouse, built in 1929, is in the final phase of a \$10 million renovation, which will showcase a justice museum and learning center. [\[More\]](#)

Security vs. Privacy: An American Ethics Debate

USA PATRIOT Act and the Homeland Security Act

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) was signed by the President on October 26, 2001. The final Act contains a combination of bills that were already formulating in the House and the Senate. [\[More\]](#)

FARE is Making Progress

Program Update

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Pima County

Bond Proposal Initiates Court Visit

Chief Justice Visits Tucson Justice and City Courts

Submitted by David S. Ricker, community relations coordinator, Superior Court in Pima County



Arizona Supreme Court Chief Justice Charles Jones toured Tucson City Court (center, left) and Pima County Consolidated Justice Court facilities on Wednesday, May 12, 2004. The tour of the court facilities was followed by a press conference discussing the merits of Question 3 on the May 18, 2004, bond election ballot.

Question 3 of the bond proposal provides \$76,000,000 to build a joint courthouse. The Pima County Justice Court would have 165,000 square feet and a minimum of 16 courtrooms in this joint complex while the City of Tucson Municipal Court would have 172,000 square feet and a minimum of 22 courtrooms. There would also be office space provided for the Justice Courts Service Center, constables, the Pima County Public Defender and Pima County Legal Defender as well as the City Prosecutor's Office and City Public Defender's Office. This complex would allow the two courts to share facilities and space such as elevators, a central heating and cooling plant, prisoner holding areas, public restrooms, security screening, jury assembly room, entrance lobby, etc. It would also eliminate confusion for citizens who are often unsure as to which court they need and where it is.

The Pima County Consolidated Justice Court and the Tucson City Court are very busy and experiencing a growth in caseloads that has placed stress upon both courts as they attempt to operate in the 21st century using 20th century facilities. There were about 260,000 cases filed in Tucson City Court during FY 2003. During the same period, the justice courts reported about 185,000 cases filed. Due to their high volume of cases, these courts generate as much or more revenue than it costs to operate them, and they accommodate an increasingly high level of foot traffic that overwhelms their present facilities.

The walking tour of Tucson City Court for Chief Justice Jones with Presiding Judge John Leonardo and Presiding Magistrate Antonio Riojas began at 10 a.m. Wednesday morning at Tucson City Court. The tour concluded at about 11:30 a.m. with a joint press conference in Courtroom G featuring Chief Justice Jones, Judge Leonardo, Judge Simon and Magistrate Riojas.

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Superior Court in Pima County Pilot Project Begins

Superior Court pilots e-filing for probate cases

By Dave Ricker, Community Relations, Arizona Superior Court in Pima County

Pima County Superior Court and the Clerk of the Superior Court launched a pilot project on May 12 designed to reduce the amount of paperwork filed in probate cases.

The clerk's office will begin accepting the e-filing of court documents from a pair of volunteer, private law firms that practice primarily in the area of probate law. "We held two large meetings for attorneys that practice in the probate area. We had several people who said they would be willing to be our guinea pigs," said Clerk of the Superior Court Patti Noland. The Public Fiduciary's Office will be added to the project June 1 and then beginning in late June or early July the clerk's office expects to be accepting the e-filing of probate documents, except mental health case filings, from anyone.

Benefits

Besides reducing the amount of documents that are handled in hardcopy paper form, Ms. Noland suggested that participating attorneys would welcome "the ease of filing, being able to file any time of the day or night and not having to leave the office. That's especially true for those law firms that are located outside of the downtown area."

Judge Clark Munger, presiding judge of the probate bench at superior court compared the glut of paperwork the court deals with to the television ad that shows several business people sitting around a table trying to figure out how to cut costs when one of them points at stacks of reports and other papers and asks the question "What about all of this stuff? That's us. That's the point we're at."

When it is fully implemented in late June or early July, the e-filing system is expected to result in much of the probate caseload at the court becoming digital. "This system is virtually paperless," said Ms. Noland. "Cases will move through the process quicker because everybody will be online from us to the probate counsel to the judges."

Probate Registrar Cindy Linnertz agreed that e-filing would expedite the probate process. "After we get through the learning curve I think that it will. We won't have the person at the counter to deal with so the clerk can come in each morning and review all of the e-filings at their desk," she said.

Logical starting place

Ms. Noland said the probate caseload was the logical place to start e-filing practices for two specific reasons. "Number one, it is a specialized, contained area of the law. The other is that we have Judge Munger who is technologically up to date and willing to try new things," she said.

E-filing is not new to Arizona as it has been in place at Maricopa County Superior Court for a while. "Maricopa County's was due to a committee that was put together by the Supreme Court on complex civil litigation and one of the recommendations out of that committee, on which I served, was that Maricopa and Pima counties be the pilot courts for online filing of complex cases," Ms. Noland said. "Pima chose not to do that. Now we're going to start here and get it running smoothly and I look for expanding to other areas."

There will be a few changes to the way in which probate cases are handled. "The imaging system that we have and now e-filing will directly impact how I do my job," said Judge Munger. "For instance, I was just writing a minute entry regarding a motion for summary judgment and I was working off of the imaging system, not off of the hard-copy file. I find that to be much faster and very easy. That eliminates having somebody in the courthouse shuffle files around."

There will be changes in courtrooms, as well. "The commissioner's courtrooms and my courtroom will each have a computer and there will be two screens so that we will be able to run dual programs," said Judge Munger. "On the bench, when a case is called currently I'll have the paper file in front of me and I'll have had a chance to look through it before the hearing. One of the parties may walk in and present an order, I'll sign it and it will go on its way. Under this new system I will have on one computer screen the imaging system so that I can look at all of the case documents and on the other screen I can call up the e-file records for that case so that between those two screens I'll have a complete record. If one of the parties has e-filed a proposed order I can electronically sign that order on the bench at the end of the hearing."

E-runner

Filings will also be distributed electronically to the appropriate parties as a part of the filing services. "All of the documents will get electronically distributed," said Ms. Noland.

LexisNexis, based in Springfield, Ohio, is the e-filing company the clerk's office has been working with on the e-filing project. "The attorneys will contract with LexisNexis. They are what I call an electronic runner," said Ms. Noland. "Attorneys will file everything with LexisNexis. They pay LexisNexis filing fees and then LexisNexis passes it on to us."

Ms. Noland said that eventually other commercial providers might participate in the e-filing project. "They don't have an exclusive right," she said, referring to LexisNexis. "If another business offers e-filing, it is compatible with our systems and people want to use them then we would accept that company as an e-filing provider."

Pro pers

Eventually, persons who represent themselves in probate matters will be able to file their case documents using e-filing. "We will have a PC available in an area where individuals can come down to our office and do their electronic filing," Ms. Noland said.

Judge Munger said that probate cases were chosen as the pilot project for e-filing for obvious reasons. "Probate is probably an ideal arena to start it. We have a group of lawyers out there who are ready, willing and technologically able to handle this system," he said.

Judge Munger also predicted that lawyers might soon walk into a court hearing carrying a laptop computer rather than a paper case file. "That whole file will be in the memory of that computer," he said.

Ms. Noland is optimistic the e-filing project will be welcomed by participants, but she cautioned, "It's going to be a bit of a culture change."

Judge Munger is confident that the e-filing pilot project will be successful. "This is Patti's project and I think she deserves the credit for advancing this issue," he said.

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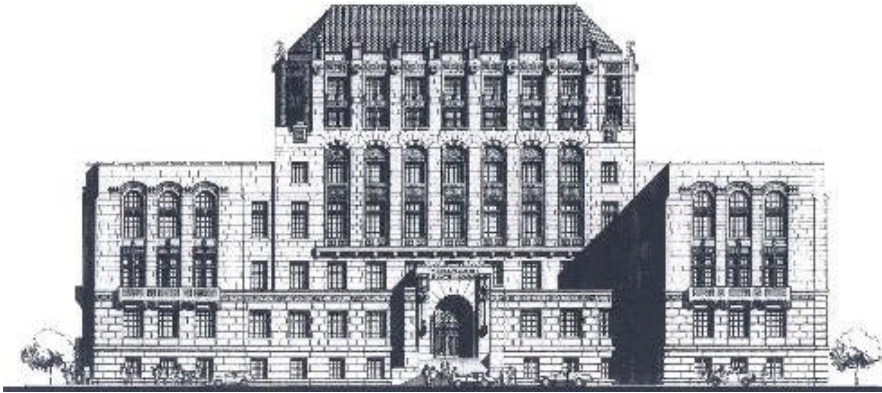
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The Justice Museum Fund

Historic Maricopa County Old Courthouse Restoration

New Museum Taking Shape in Downtown Phoenix

Submitted by J.W. Brown, Director of Communications, and Karin Philips, Community Outreach Director, Superior Court in Maricopa County



A justice museum and learning center is being created in the historic Old Maricopa County Courthouse (left) at 125 West Washington Street in downtown Phoenix. The sixth floor, which is the top floor of the building, will house the museum that features a restored cellblock, providing a unique experience for visitors.

The working courthouse, built in 1929, is in the final phases of a \$10 million renovation. The project includes restored courtrooms and new judicial chambers and administrative offices of the Superior Court and Maricopa County Justice Courts. The

restored courthouse is a historically interesting site, and the museum is expected to add an exciting new dimension to the Superior Court's education program - "The Courthouse Experience" - for middle and high school students.

The Old Courthouse learning center is being developed in cooperation with the American Bar Association's Museum of Law in Chicago. The museum in Phoenix will feature multi-media displays about the justice system. It will include the roles of courts, lawyers, law enforcement, and corrections in the justice system. Famous cases and events in Arizona legal history will also be featured.

As visitors walk through the cellblock area, they will be treated to a media show as part of the "lock-up" experience. Adjacent rooms will include exhibits, images, documents, memorabilia and other artifacts designed to stimulate thought and discussion about the justice system.

The museum project will include exhibits and displays at the Phoenix Municipal Court's Valdemar Cordova Building and the Sandra Day O'Connor Federal Courthouse. The County has provided the funding to prepare the space for the museum and learning center.

When completed, the Old Courthouse Museum will serve as a hub for student tours of Superior Court, Phoenix Municipal Court and the United States District Court, and conclude with lectures by members of the State and County Bar associations in the Special Proceedings Courthouse in the federal court building.

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COJET Broadcast

USA PATRIOT Act and the Homeland Security Act

Security vs. Privacy: An American Ethics Debate

Submitted by Jennifer Rhodes, Distance Learning Specialist, Education Services Division

The 2004 COJET broadcast occurred on April 15, 2004. The focus of this year's broadcast was the USA PATRIOT Act and the Homeland Security Act. The broadcast kicked off with an overview of each act by two keynote speakers.



Georgetown University law professor, Viet Dinh (left), former United States Assistant Attorney General and one of the authors of the USA PATRIOT Act, provided an overview of the Act, along with its history and how it received its name. Immediately after 9/11, the President told Attorney General John Ashcroft to not let these events happen again. The Attorney General assigned Mr. Dinh with the task of generating an act containing the tools to combat terrorism.

After spending countless hours working with his staff and members of both the House and Senate, a document containing 15 points arose on September 19, 2001. The final Act was signed by the President on October 26, 2001. The final Act contains a combination of bills that were already formulating in the House and the Senate. The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) was born.

Professor Dinh covered the three major points of the Act. First, the Act eliminates the communication gaps between law enforcement entities. Second, it closes bureaucratic and jurisdictional loopholes in the intelligence network creating a complete picture of terrorist conspiracies. Prior to the passing of the PATRIOT Act, laws prohibited governmental agencies from sharing information gained on suspected terrorists. With the passing of the Act, a more coordinated approach to intelligence activities can take place. Lastly, the Act updates existing laws to reflect the role terrorism plays in our domestic jurisdiction. Punishment for terrorist acts should be equal to consequences applied to other areas of high priority punishable crimes.



The Director of the Arizona Office of Homeland Security, Frank Navarrete (left), provided an overview of the Homeland Security Act and the impacts of the Act on Arizona. On October 8, 2001, President Bush created the Office of Homeland Security. The Office's mission is to protect American's homeland, protect the country's borders, transportation and ports, synthesize and analyze homeland security intelligence, and coordinate communicate between agencies.

President Bush signed into law the Homeland Security Act on November 25, 2002. This Act designates the Office of Homeland Security as the lead agency for coordinating disaster and emergency response. It establishes an office for state and local coordination. Lastly, it gives the Department of Homeland Security the authority to access information and intelligence from any federal agency.

Mr. Navarrete informed the audience of the impacts of the Act on the State of Arizona, including improved federal and state coordination, an additional focus on the Arizona-Mexico border, a development of a mutually supported homeland security strategy, and the creation of a federal homeland security grant program.

After an overview of the two Acts, the broadcast format changed to a lively debate between Eleanor Eisenberg, Executive Director of the Arizona ACLU, and Paul Charlton, United States Attorney, District of Arizona. Mr. Charlton urged the audience to educate themselves on the Acts, because ultimately, the decision to keep these Acts lies in the hands of the voters. He mentioned the Department of Justice's website. Ms. Eisenberg mentioned a publication located on the ACLU's website called Unpatriotic Acts.

The broadcast concluded with a panel answering questions from the audience. Panel members included Mr. Navarrete, Ms. Eisenberg, Mr. Charlton, and Professor Andy Silverman, University of Arizona, School of Law.

If you are interested in viewing this broadcast and learning more about the USA PATRIOT Act and the Homeland Security Act, contact Jennifer Rhodes in the AOC's Education Services Division at 602-354-1014.

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Fines/Fees and Restitution Enforcement

Program Update

FARE is Making Progress

Submitted by Mike DiMarco

The Fines/Fees and Restitution Enforcement (FARE) Program continues to make progress toward full implementation in 2004. Life cycle testing of the full FARE system is to begin in April and when completed the Pioneer Courts will begin to transition into the system. The first court to go live will be Phoenix Municipal followed by the Chandler Municipal Court and then the Maricopa County Justice Courts. Tucson and Show Low Municipal Courts will join in with the release of AZTEC 1.25.

Many components of FARE are operational or will be in the near future. Web-based payment in English began in late January. More than \$35,000 has been collected over the Web with 25 percent of the cases being paid by out-of-state defendants. Pay-by-phone (IVR) became available in English and Spanish and was brought on-line the end of March. Web-based payment in Spanish is anticipated to be implemented by mid-April. The Traffic Ticket Enforcement Assistance Program (TTEAP) is expected to be available by the end of April. TTEAP allows the Motor Vehicle Division, on instruction from the court, to place a hold on a vehicle registration renewal when there are more than \$200 in outstanding court obligations for civil or criminal traffic violations or there is a failure to appear on a criminal traffic citation.

In slightly more than six months the backlog cases that have been brought into special collections by Tucson and Show Low have generated over \$1.1 million. Most of these cases are more than three years old and have had collection activity on them before. Flagstaff Municipal brought their backlog cases into special collections at the end of March. The need to provide resources to ensure successful implementation of full FARE required that this interim FARE effort be terminated. Those courts that had indicated an interest in coming into interim FARE have the option of sending their backlog collections to ACS with the same 19 percent collection assessment. Wickenburg Municipal Court will be transmitting cases the last week of March.

Additional information on the FARE Program can be obtained by contacting Mike DiMarco at (602) 542-9328.

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Certification and Licensing Division

Program Update

Legal Document Preparer Program--One Year Old and Growing

Submitted by Nancy Swetnam, director, Certification and Licensing Division

Pursuant to Rule 31, Rules of the Supreme Court, an individual granted certification as a legal document preparer is authorized to prepare or provide legal documents, without the supervision of an attorney, for an entity or a member of the public who is engaging in self representation in any legal matter. To implement these provisions, the Supreme Court adopted the Arizona Code of Judicial Administration, §7-208: Legal Document Preparer. The requirements for certification took effect on July 1, 2003, and provide that both individuals and businesses must be certified.

All decisions regarding certification and discipline of certified legal document preparers are made by the Board of Legal Document Preparers. The Board membership includes representation from legal document preparers, attorneys, clerks of the court, judges, court staff and the public. The Board, appointed by Chief Justice Charles Jones in April 2003, has met monthly since being formed. The Board is also responsible for advising the Supreme Court on rules, policies and procedures regarding legal document preparers.

The number of applications for certification has significantly exceeded initial expectations. To date, the Board has granted a total of 583 certifications, and has denied 47. Individuals or business entities denied certification have the right to a hearing, and many have exercised that right. Hearings are either held before the Board or before a hearing officer. The hearing officer is chosen from a team of attorneys who have experience and training in administrative law and who volunteer their services. One factor that has affected the number of certifications is the decision by the U.S. District Court to require individuals preparing and filing bankruptcy petitions for clients in the Bankruptcy Court to hold certification with the Legal Document Preparer Program.

The Board has also taken action to enforce the provisions of §7-208. The Board has authority, under §7-208, to request the Superior Court issue a cease and desist order against an individual who is practicing as a legal document preparer without certification. There is currently a petition pending at the Superior Court in Maricopa County. The Board also recently issued an emergency suspension order of the certification of a legal document preparer. The Board took this action, pursuant to §7-208, upon a finding that the public welfare was being threatened by the actions of the legal document preparer.

All legal document preparers are required to renew their certification by July 1, 2004. Renewal requires documentation that the legal document preparer has completed a minimum of 10 hours of continuing education over the past 12 months. The Board will be reviewing these applications at its April, May and June Board meetings.

Pursuant to §7-208, all legal document preparers will be required to convert their certification to "standard certification" by July 1, 2005. Standard certification requires all legal document preparers to take and pass a written examination on Rules of the Supreme Court relating to legal document preparers. The Board is currently in the process of developing this examination and invites interested individuals to participate in the effort to identify the relevant rules and development of appropriate examination questions.

More information about the program may be obtained by visiting the Legal Document Preparer web site at: www.supreme.state.az.us/cld/ldp.htm; emailing the Program at: LegalDocumentPreparer@supreme.state.az.us, or contacting Linda Grau, the program coordinator, at 602-364-1308. The Program web site includes a copy of §7-208 and a list of certified legal document preparers.

Individuals who wish to volunteer to assist with the development of the written examination should contact Nancy Swetnam, director, Certification and Licensing Division, at nswetnam@supreme.sp.state.az.us or 602-364-0362.

Private Process Server Program Launches New Automation Tools to Assist Judges and Clerks of the Superior Court

The Private Process Server Program, governed by the Arizona Code of Judicial Administration, §7-204: Private Process Server, is administered locally in each county by the presiding judge and the clerk of the superior court. The clerk of the court is responsible for the application process, including administration and grading of examinations, and the presiding judge makes all decisions regarding certification and the disciplinary process of certified process servers. The AOC is responsible for maintaining a statewide list of certified process servers.

The statewide, public list of certified process servers is posted on the judicial department's Internet web site at:

<http://www.supreme.state.az.us/cld/pps.htm>. This list is based on information provided to the Administrative Office of the Courts (AOC) by the clerks of the court, and is updated as new information is received. To assist in the maintenance of this list, the AOC has developed an automated tool whereby the clerks can easily send the AOC updates on certification and also the required information regarding complaints, investigations, and informal and formal disciplinary proceedings. Judges can also use this tool to review if there are any pending issues regarding an applicant for certification, renewal of certification, or if there has been prior discipline against a process server. This information is contained on the judicial department's intranet web site at: <http://supreme22/appserv/procsvrs/procsvrsinquiry.htm>. The intranet site also has a search capability to allow a search by name, county, or status of certification. This site is restricted to members of the judicial department.

Questions can be directed to Nancy Swetnam, nswetnam@supreme.sp.state.az.us, or 602-364-0362.

Fiduciary Program Implementing Changes

The Fiduciary Program is governed by the Arizona Code of Judicial Administration, §7-202: Fiduciaries. Based on the recommendations of the Fiduciary Commission, a number of changes to the program were reviewed and approved by the Arizona Judicial Council and the Court in late 2003 and are now being implemented by the AOC.

One of the major changes addresses the initial and ongoing training of fiduciaries. Since the inception of the program, the AOC has provided both the initial and renewal training sessions. Beginning January 1, 2004, the AOC will no longer provide this training. Individuals will now qualify for initial certification based upon their educational background and experience and will be responsible for obtaining and completing continuing education sessions in compliance with the requirement that certified fiduciaries complete 20 hours of continuing education every two years. The Arizona Fiduciaries Association and local community colleges are in the process of developing training programs for fiduciaries; there are also existing programs offered by other entities, for example, the State Bar of Arizona, that will meet the training requirement.

AOC staff have now completed a number of audits of fiduciaries, in compliance with the new provisions of §7-202 and will be completing additional audits throughout calendar year 2004, according to an established schedule. Audit results are shared with the presiding judge of the superior court and probate judge (if applicable) and once final, the audit report is a public document.

Additional information about the Program can be obtained by visiting the Program web site at <http://www.supreme.state.az.us/fiduc>; emailing the Program at pfp@supreme.sp.state.az.us or by contacting J.R. Rittenhouse, program manager, at JRittenh@supreme.sp.state.az.us.

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Around the State

News Briefs

- **Pinal County** Juvenile Court Services and Community Advisory Board Sponsor 2nd Annual Mock Trial Competition
- Spotlight Arizona: Sharing Great News

Dear Colleagues: I am forwarding a link from the National Evaluation and Technical Assistance Center for the Education of Children Who Are Neglected, Delinquent or At Risk. Please note that the Spotlight is on Arizona and the AOC, JJSD provides leadership in all three projects highlighted: The Arizona Detention Project (ADTP), Secure Care Education Committee and Merging Two Worlds Curriculum, and Arizona's Building Blocks Initiative. Please help us celebrate this important recognition of our work on behalf of the youth of Arizona. Kudos to the JJSD Team and all participants. <http://www.neglected-delinquent.org/nd/resources/spotlight/spotlight.asp> Best regards, Dorothy Wodraska

- Mark your calendars! The Arizona Supreme Court Administrative Office of the Courts' 2004 Annual Meeting is scheduled for Monday, May 24, 2004, 9:30 a.m. – 12:00 p.m., in the Old Law Library. Music, munchies, door prizes and more!
- Please join EAG in congratulating AOC's May Employee of the Month, Julia Ward!
- Williams Justice Center's **Grand Opening**.
- Remember February's headline: Judicial Webs Big Hit on Internet: Statewide Validation Study Completed? Now see the award certificate, click [here](#).

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Pinal County Juvenile Court Services

Juvenile Court Services and Community Advisory Board Sponsor Competition

2nd Annual Mock Trial Competition held in San Manuel

Submitted by Donna McBride, Pinal County Juvenile Court, Volunteer Program Coordinator

Pinal County Juvenile Court Services and the Community Advisory Board sponsored the 2nd Annual Mock Trial Competition held in San Manuel on March 6, 2004. This competition allowed students to experience the Arizona court system by participating in prepared trials. Students served as attorneys, preparing Opening Statements, Direct Examinations, Cross Examinations, and Closing Statements. Students also serve in the roles of Bailiff and Witness.

The case, Scott Walker vs. Tanya Brewster, was a civil case that involved a 5-year-old child who was paralyzed after being shot. The father of a 13-year-old child was suing his ex-wife (the child's mother) for her negligence in allowing her child access to a gun with which his 5-year-old was accidentally shot. Damages requested were more than \$975,000 for current and future medical expenses and \$500,000 for the loss of a normal relationship and companionship with the 5-year-old child.

The competition was judged by prominent figures from the Pinal County area: Judge Gilberto V. Figueroa, Judge Boyd T. Johnson, Judge Stephen McCarville, Judge Janna Vanderpool, Judge Kevin White, Juvenile Court Director Diane McGinnis, and State Representative Ernest Bustamante.

Eleven middle school and high school teams participated in the daylong competition. The high school division was won by Apache Junction High School with Florence High School taking 2nd Place. Cactus Middle School took 1st Place in the middle school division, followed by Florence K-8 School taking 2nd Place. Students also received individual awards for Best Witness, Best Opening Statement, Best Closing Statement, Best Cross Examination, and Best Direct Examination. Other schools participating included: Mountain Vista Middle School, Eloy Jr. High School (two teams), San Manuel Jr. High School, Casa Grande Middle School, San Manuel High School, and HoHoKam Middle School.

Each participant received a participation medal from the Pinal County Juvenile Court Community Advisory Board (CAB). CAB members represent a diverse group of volunteers who help evaluate and enhance services provided by the juvenile court. The common interest of the CAB is to ensure the juvenile court practices continue to reflect the best interest of youth, families, victims, and the community.



Florence High School Mock Trial Team after taking 2nd Place

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<p>Want to know about promising programs, practices, and experts in the N/D field? We highlight relevant work from the field in the Spotlight each month. This month the state of Arizona takes center stage. Read more about transition, record transferal, community-based assessment, and institutional education programming in the Grand Canyon State.</p> <p>The Arizona Detention Project (ADTP): A Project Ensuring the Transition of Youth with Disabilities In and Out of Juvenile Justice System</p> <p>Throughout the juvenile justice system, the transfer of education records has been challenging. In response to this, the Arizona State University (ASU), in collaboration with the Arizona Supreme Court, Maricopa County Regional School District Detention Schools, Schools, Maricopa County Juvenile Courts, and the National Center on Education, Disability, and Juvenile Justice (EDJJ), have developed a transition model, the Arizona Detention Project (ADTP), designed to assure the seamless transfer of youth with disabilities and their education records across public schools, detention centers, community and employment agencies, and juvenile and adult corrections. more>>></p> <p>Working Together to Implement Systematic Change: Arizona's Secure Care Education Committee</p> <p>Formed in 1998 as a collaborative effort between the Arizona Department of Education staff and secure care educators, Arizona's Secure Care Education Committee (SCEC) has come together to formulate and implement a curriculum, Merging Two Worlds (M2W), that develops transition and re-integration skills for students in the juvenile justice system. more>>></p> <p>Arizona's Building Blocks Initiative</p> <p>Part of a nationwide effort to combat disproportionate minority representation in the juvenile justice system, Arizona's Building Blocks Initiative has developed data collection and collaborative techniques to assess and address the problem. The Building Blocks Initiative both partners with the community to assess needs and enhance strengths and resources-with an emphasis on building constituencies to advocate for change-and develops funding strategies to implement recommendations developed through the assessment. more>>></p>		<p>The National Center on Education, Disability, and Juvenile Justice (EDJJ)</p> <p>The National Center on Education, Disability, and Juvenile Justice (EDJJ) was created to establish a knowledge base that would enable professionals, parents, and policy makers to respond to that overrepresentation and better understand ways to prevent youth from entering the system or recidivating once they have been released. more>>></p> <p>Merging Two Worlds (M2W) Curriculum</p> <p>View our previous Spotlight article on the M2W Curriculum that tackles transition and career planning. more>>></p> <p>See the Spotlight Archive</p>

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Coconino County and the City of Williams

Present New Justice Center: Dedicated to the Citizens of Coconino County

Williams Justice Center's Grand Opening

Photos submitted by Cindy Lidman, public information specialist

History: The dream began as a discussion with the Williams community in the late 1980s. Then in 1992, the community voted for a tax increase based on the promise of a new justice center facility. The dream was fulfilled with the purchase of just over an acre of land from the Burlington Northern Santa Fe Foundation, followed by an intergovernmental agreement between the city of Williams and Coconino County. The project to build a facility to house Williams Justice Court, Williams City Court, and the Coconino County Sheriff Williams Substation was then given the green light.

The Facility: The facility, part of the County's capital financing plan, was designed by Josh Barclay Architects and constructed by B & W Enterprises. The building includes a new courtroom and office space for Williams City Court and Coconino County Justice Court employees. Judge William Sutton presides over both courts, which were previously co-located on Bill Williams Avenue in space that is better suited to business. The building also houses the Sheriff's Office substation.

Building Amenities: The building incorporates new technology for security and safety, and features heated sidewalks around the building to provide safe access and reduced labor costs. It is ADA compliant and allows for future upgrades of court technology systems. The facility is engineered to minimize noise and vibration from the neighboring railroad spur and features sound absorbing building products and finishes.



Original site of the court.



The New Coconino County Williams Justice Center, April 13, 2004



Judge William B. Sutton (left) and Chief Justice Charles Jones in the new court building.



Judge Sutton holds day book used by judges in Williams since the 1800s.



Matt Ryan, chair, Coconino County Board of Supervisors makes a welcome speech, introductions and recognitions for the opening.



Ken Edes, mayor, City of Williams.



Presiding Superior Court Judge Fred Newton.



Dennis Wells, Williams City manager.



Sheriff Joe Richards



(From left: Flagstaff Justice of the Peace, Honorable Brian Kolb; Chief Justice Charles Jones; and, Judge Sutton.



Judge Sutton awards Judge Kirby Kelenen with appreciation for his 11 years the court.

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Legislative News

Arizona Judicial Council Legislative Package

Submitted by Legislative Liaison Page Gonzales

A majority of the Arizona Judicial Council (AJC) 2004 Legislative Package is progressing steadily through the legislative process. In fact, the Governor has already signed into law HB2223, which allows litigants to file supersedeas bonds (periodic rent payments) in justice court, pending forcible entry and detainer appeals to superior court. Below is a complete listing of AJC bills along with their status.

HB2215 SMALL CLAIMS HEARING OFFICERS -- Failed Senate 3rd Read 13-14
HB2223 FORCIBLE ENTRY/DETAINER APPEALS -- Laws 2004, Ch. 28
HB2258 PROPERTY TAX APPEAL TIME LIMIT -- Awaiting Conference Committee
HB2129 PREPARATORY RELEASE -- Awaiting Senate 3rd Read
HB2225 PROBATION ABSCONDER -- Laws 2004, Ch. 161
HB2216 MVD REGISTRATION HOLDS -- Seeking amendment
DRUG COURT -- May be addressed in a study committee

Merit Selection and Judicial Authority

As many of you might be aware, there was an unusually large number of bills and proposed constitutional amendments this session to alter, in some fashion, the current merit selection and retention process used for selecting superior court and appellate judges. In addition, there were attempts to place the Supreme Court's rule-making authority in the hands of the Legislature and have the Legislature operate the Commission on Technology. The good news is that, thanks to a unified effort, none of the attacks on merit selection or rule-making were successful. Here is a brief sample of the types of proposed changes.

HCR 2024* JUSTICES & JUDGES, SENATE CONFIRMATION (Rep. Biggs)

Voters will be asked at the 2004 general election to amend the state constitution to require senate approval of justices and judges appointed by the governor, with re-approval every four years.

**Failed in House 3rd Read 24-36*

HCR 2007 JUDICIAL RETENTION; PARTY AFFILIATION (Rep. Robson)

Voters will be asked at the 2004 general election to amend the state constitution to require that superior court judges disclose their party affiliation on the ballot when they stand for retention.

No longer moving

HCR 2018 JUSTICES & JUDGES, ELECTION (Rep. Gray, et al)

Voters will be asked at the 2004 general election to amend the state constitution to provide for the election of all justices and judges. In counties with a population of more than 250,000, the board of supervisors shall create judicial districts from which judges of the superior court shall be elected.

No longer moving

HCR 2039 JUDICIAL RETENTION; TWO-THIRDS VOTE (Rep. Biggs)

Voters will be asked at the 2004 general election to amend the state constitution to require that superior court judges disclose their party affiliation on the ballot when they stand for retention election. The measure also increases from a majority to two-thirds of those voting the number of required votes in order for a judge to be retained.

No longer moving

SCR1034* MERIT SELECTION; POPULATION (Sen. Rios)

Voters will be asked at the 2004 general election to amend the state constitution to change the county-population threshold

above which a county's superior court judges are appointed instead of elected to 450,000 from 250,000.

**Passed Senate, no action in the House*

HCR 2010 SUPREME COURT JURISDICTION (Rep. Tully, Rep. Allen, C. Gray, Nelson)

Voters will be asked at the 2004 general election to amend the state constitution to state that the supreme court shall not infringe on the authority of the Legislature or the people to enact laws to preserve and protect the rights of victims and to say the power to enact substantive, procedural and evidentiary laws is not a power inherent in the judiciary but is a legislative power inherent in the Legislature and the people.

No longer moving

HB 2261 COURTS; COMMISSION ON TECHNOLOGY (Rep. Huffman, et al)

A Legislative Commission on Technology is established to administer the expenditures of all monies in the Judicial Collection Enhancement Fund.

No longer moving

Justice Courts

Some of the major legislation addressing justice courts ranged from qualifications for judges pro tempore, jurisdictional limits in civil cases, and co-location of facilities. Bills directed toward JP pro tem qualifications and election of presiding justices of the peace obtained successful passage through the process. Below is a highlight of some bills of interest from this session and their status.

HB 2390 PRO TEM JPS, SERVICE DISQUALIFICATION (Rep. Chuck Gray)

Prohibits a state employee from serving as a justice of the peace pro tempore.

No action

SB 1034 JUSTICE COURT JURISDICTION (Sen. Jarrett)

Justice of Peace court original jurisdiction of civil actions is expanded to include all actions involving \$10,000 or less (previously \$5,000). JP court concurrent original jurisdiction with superior court is expanded to include cases involving \$10,000 to \$20,000 (previously \$5,000 to \$10,000).

No action (used as a striker for another issue)

SB 1049 JUSTICE OF THE PEACE; PRESIDING (Sen. Jarrett)

In counties in which two or more justice courts are located, the JPs within that county shall periodically choose from among themselves a presiding JP and a JP to assume the duties of presiding JP during the absence or inability to act of the presiding JP. No duties outlined.

Signed by the Governor, Chapter 98

SCR 1009 JP PRO TEMPORE; QUALIFICATIONS (Sen. Jarrett)

The general election ballot of 2004 is to carry the question of amending the state constitution to provide that justices of the peace pro tempore need not be members of the Bar.

Transmitted to Secretary of State for placement on 2004 general election ballot

SB 1076 JP PRO TEM (Sen. Jarrett)

It is not necessary to be admitted to the practice of law to be appointed to serve as a justice of the peace pro tempore. This bill contains a conditional enactment upon passage of the above referenced constitutional amendment.

Signed by the Governor, Chapter 80

HCR 2025 SUPREME COURT, ADMINISTRATIVE SUPERVISION (Rep. Chuck Gray)

The 2004 general election ballot is to carry the question of amending the state constitution to provide that the state supreme court has no administrative authority over JP courts and that the Legislature is to prescribe the extent of its authority over the other courts.

No action

HB 2387 JUSTICE COURTS, COLOCATION (Rep. Chuck Gray)

Requires boards of supervisors to locate a justice court in each precinct, except if 50% or more of a precinct's population is located in the same city, the board may place up to 5 justice courts in a single location.

No action

SB 1039 JUSTICE COURTS; PRO TEM APPOINTMENTS (S/E) (Rep. Russell Pearce/Chuck Gray)

Allows a presiding Justice of the Peace the power to appoint and reappoint to the position of Justice of the Peace pro tempore. The bill also states that the justice of the peace of the precinct shall assign a justice of the peace pro tempore to preside in the absence of the justice of the peace.

Passed House Rules, bill held indefinitely

SB 1211 JUSTICE COURT PRECINCTS; ELECTION (Sen. Jarrett)

Prohibits the county board of supervisors from appointing a justice of the and constable to a newly established justice precinct and requires an election for a JP and constable to be held during the general election to fill the newly established precinct.

Did not receive a hearing in House Judiciary

Sex Offender Legislation

Sex offenders residing in our communities were on the minds of many legislators this session, with several bills aimed at managing and regulating their activities. A great deal of discussion centered on sex offender residency restrictions and increasing community notification in an effort to ensure public safety. Our probation departments' number one priority is to ensure public safety and will continue to closely monitor all offenders under their supervision. Below are a few of the bills introduced that address the laws governing sex offenders.

SB 1307 SEX OFFENDERS; RESIDENCY RESTRICTIONS (Sen. Weiers)

Requires courts to order sex offenders, as a condition of their probation, to not reside in a residential structure in which three or more sex offenders on probation reside or in a residential structure that is within 1,320 feet of another residential structure in which another sex offender on probation resides.

Failed in House Judiciary Committee

HB2135 SEX OFFENDERS; REGISTRATION; LIFETIME PROBATION (Rep. Nelson)

If a sex offender convicted of a felony fails to register and is convicted of this offense, the offender will be sentenced to lifetime probation if probation is imposed.

No longer moving

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Public Meetings

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1-202. The policy was formed, "To promote openness in government by assuring that the public has an opportunity to attend the meetings of all public councils of the supreme court and the Administrative Office of the Courts (AOC) while providing flexibility to close meetings when necessary." [Click here](#) to view Arizona Judicial Code §1-202.

Persons with a disability may request reasonable accommodations, such as auxiliary aids or materials in alternative formats, by emailing the contact person for a particular meeting. A person requesting an accommodation should make the request as early as possible to allow time to arrange the accommodation. Accommodations can be made by clicking on date link and emailing the meeting contact person.

[Click here](#) to view location and parking availability to the Arizona State Courts Building 1501 West Washington. [Click here](#) to view location and parking to the Judicial Educational Building 541 East Van Buren.

January Meetings

For detailed meeting information, please click on meeting date.

- [01-09-04](#) The Commission on Technology will meet
- [01-12-04](#) The Judicial Staff Education Committee will meet
- [01-12-04](#) The Board of Certified Court Reporters will meet
- [01-13-03](#) Arizona Supreme Court Oral Arguments (Mesa High School)
- [01-13-03](#) The Commission on Minorities meeting has been **cancelled**
- [01-15-04](#) Arizona Supreme Court Oral Arguments
- [01-16-04](#) The Committee on Rules of Procedure in Domestic Relations Cases will meet
- [01-16-03](#) The Domestic Relations Committee
- [01-22-04](#) The Arizona Judicial College Board will meet
- [01-26-04](#) The Board of Legal Document Preparers will meet
- [01-30-04](#) The Committee on Keeping the Record will meet

February Meetings

For detailed meeting information, please click on meeting date.

- February 2004 Please [Click](#) to view the **February Judicial Education Calendar**.
- [02-09-04](#) Board of Certified Court Reporters meeting
- [02-09-04](#) Committee on Rules of Procedure in Domestic Relations Cases meeting
- [02-11-04](#) Committee on the Impact of Domestic Violence and the Courts (CIDVC) meeting

- [02-13-04](#) Committee on Superior Court (COSC) meeting
- [02-13-04](#) Technical Advisory Committee meeting **CANCELLED**
- [02-13-04](#) Committee on Judicial performance Review meeting
- [02-18-04](#) Staff Safety Advisory Committee meeting
- [02-18-04](#) Arizona supreme Court Oral Arguments
- [02-20-04](#) Arizona Supreme Court Oral Arguments
- [02-20-04](#) Domestic Relations Committee meeting
- [02-21-04](#) Disciplinary Commission Oral Arguments
- [02-23-04](#) Board of Legal Document Preparers meeting
- [02-24-04](#) Child Support Committee meeting **CANCELLED**
- [02-24-04](#) Committee on Probation Education meeting
- [02-25-04](#) Committee on Limited Jurisdiction Court (LJC) meeting
- [02-27-04](#) Committee on Keeping the Record meeting
- [02-27-04](#) Fiduciary Advisory Commission Meeting

March Meetings

For detailed meeting information, please click on meeting date.

March
JEC Please [Click](#) to view the March Judicial Education Calendar.

- [03-05-04](#) **Commission on Technology meeting has been CANCELLED**
- [03-08-04](#) Board of Certified Court Reporters meeting
- [03-09-04](#) Court Automation Coordinating Committee meeting
- [03-09-04](#) Commission on Minorities meeting
- [03-10-04](#) Arizona Judicial Council meeting
- [03-13-04](#) Disciplinary Commission Oral Arguments
- [03-15-04](#) Committee on Rules of Procedure on Domestic Relations Cases
- [03-19-04](#) Domestic Relations Committee meeting
- [03-22-04](#) Board of Legal Document Preparers meeting
- [03-23-04](#) Committee on Probation Education
- [03-23-04](#) Supreme Court Oral Arguments
- [03-25-04](#) Supreme Court Oral Arguments
- [03-26-04](#) **Committee on Keeping the Record meeting has been cancelled**
- [03-31-04](#) Committee on Judicial Education Training Business meeting

April Meetings

For detailed meeting information, please click on meeting date.

- [04-09-04](#) Technical Advisory Council meeting
- [04-12-04](#) Board of Certified Court Reporters meeting
- [04-16-04](#) Domestic Relations Committee meeting. [Click](#) to view Agenda
- [04-20-04](#) Child Support Committee meeting
- [04-26-04](#) Board of Legal Document Preparers meeting
- [04-27-04](#) Supreme Court Oral Arguments
- [04-28-04](#) Committee on Rules of Procedure in Domestic Relations Cases
- [04-29-04](#) Supreme Court Oral Arguments Prescott High School, Prescott Arizona
- [04-30-04](#) Committee on Probation meeting

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